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Governor

Maine Department of Health and Human Services

Division of Licensing & Regulatory Services
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Assistant Director

DATE: July 22, 2008

TO: Interested Parties

FROM: Catherine Cobb, Director, Division of Licensing and Regulatory Services

SUBJECT: Public Hearing: Monday, August 11, 2008 at 10 am.
Comment deadline: August 21, 2008 at 5 pm
Repeal and replace: Hospital Licensing Rules;
Repeal and replace: Sentinel Events Reporting Rules;
Amend:

- Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation [ICF-MR], Chapter 118;
- Regulations Governing the Licensing of Ambulatory Surgical Facilities, Chapter 125;
- Regulations Governing the Licensing and Functioning of End Stage Renal Disease Units/Facilities [ESRD], Chapter 126.

Hospital Licensing Rules. The proposed rules replace the current hospital licensing rules. Public Law 2007, Ch 314 streamlined the hospital survey process. Hospitals are exempt from state inspection requirements if they are federally certified by the Centers for Medicare and Medicaid Services [CMS] and hold full accreditation status. Section 2.15.

- Certified hospitals that are not accredited are subject to state inspection every 3 years.
- All hospitals remain subject to a state inspection in response to a complaint, suspected violation of hospital licensing laws and rules or suspected violation of the CMS conditions of participation.
- The rules clarify the waiver process. Sec. 2.7.
- The rules clarify enforcement procedures. Sec. 2.12.
- Federal standards are incorporated by reference and state hospital laws are identified. Sec. 3.
- The Department may authorize hospitals to investigate some complaints. Sec. 4.
- At the hospital's request, the Department may review a hospital's architectural plans and a fee may be charged. Sections 2.5.8 & 2.21.
- All hospitals remain subject to inspection to determine compliance with building codes, fire codes, life safety codes and for other similar purposes.
- Pursuant to Public Law 2007, Ch 324 hospital licenses may be renewed for up to 24 months.
- The rules are renamed "Rules for the Licensing of Hospitals".

Sentinel Events Reporting Rules. To reduce redundancy and streamline the rules, the new freestanding sentinel events reporting rules consolidate and replace the repealed sentinel events reporting provisions in 10-144 Chapters 112, 118, 125, and 126. The new sentinel events reporting rules introduce several proposed changes. Additional terms are defined, such as root cause analysis. Clarification regarding the reporting of rape is new and will assist providers to determine when a report is required. Clarification is also made with regard to who makes a final determination that an event is reportable. Section 2.7 requires an annual statement from health care facilities affirming that sentinel events that occurred during the prior calendar year were reported to the Sentinel Events Team in accordance with Section 2.2.

The proposed rules and the current rules are available on the Division's website at http://www.maine.gov/dhhs/dlrs/public_hearings/home.html Call 207 287-9333 to have a paper copy of the rule mailed to you.

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